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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,650	12/20/2001	Anton C. Rothwell	NA11P056/01.187.01	2721
28875	7590	02/10/2005	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			CHEA, PHILIP J	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p align="center">10/028,650</p>	<p>Applicant(s)</p> <p align="center">ROTHWELL ET AL.</p>	
	<p>Examiner</p> <p align="center">Philip J Chea</p>	<p>Art Unit</p> <p align="center">2153</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date <u>1/30/02</u>.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____.</p> |
|---|---|

DETAILED ACTION

Claims 1-29 have been examined.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 1/30/02 was filed after the mailing date on 2/12/02. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Nessett et al. (US 5,968,176).

As per claim 1, Nessett et al. disclose a network adapter system, as claimed, comprising:

- a processor positioned on a network adapter coupled between a computer and a network (see column 11, lines 26-31, where network adapter is considered the NIC; computer is considered the end system, and the processor is inherent within the NIC for it to operate);
- wherein the processor is adapted for scanning network traffic transmitted between the computer and the network (see column 11, lines 54-62, where scanning is implied by a firewall contained within the NIC).

As per claim 2, Nessett et al. further disclose that the processor is capable of being user-configured (see column 16, lines 31-42).

Art Unit: 2153

As per claim 3, Nessett et al. further disclose that the processor is capable of being user-configured locally (see column 20, lines 62-67, where it is implied if there is a storage available at the node, the configuration data will be available to the node locally; and nodes are devices as described by Nessett et al. in column 8, 1-6)

As per claim 4, Nessett et al. further disclose that the processor is capable of being user-configured remotely via a network connection with the network adapter (see column 16, lines 31-42).

As per claim 5, Nessett et al. further disclose that the processor is capable of being user-configured only after the verification of a password (see column 18, lines 11-19).

As per claim 6, Nessett et al. further disclose that the manner in which the scanning is performed is capable of being user-configured (see column 17, lines 9-21).

As per claim 7, Nessett et al. further disclose that the settings of the network adapter are capable of being user-configured (see column 20, lines 42-46, where the settings are considered the rules that are being configured in the node).

As per claim 8, Nessett et al. further disclose that the processor is capable of determining whether received packets are of interest (see column 23, lines 18-26).

As per claim 9, Nessett et al. further disclose that the packets of interest are based on an associated protocol (see column 23, lines 18-26, where the associated protocol is considered protocols other than FTP in this case).

As per claim 10, Nessett et al. further disclose that the processor is capable of passing received packets that are not of interest to the computer (see column 23, lines 18-26).

As per claim 11, Nessett et al. further disclose that the processor is capable of scanning received packets that are of interest (see column 23, lines 18-26, where scanning is implied from the ability to distinguish between the different protocols).

As per claim 12, Nessett et al. further disclose that the processor is capable of denying received packets that fail the scan (see column 23, lines 18-26).

Art Unit: 2153

As per claim 13, Nessel et al. further disclose that the scan is performed based on user settings (see column 23, lines 43-57, where the user settings are determined by the user configured Multilayer Firewall Management Station).

As per claim 14,27,28 Nessel et al. disclose a system for scanning network traffic on a network adapter, as claimed, comprising:

- network adapter means for receiving packets (see column 23, lines 18-26);
- processor means positioned on the network adapter means for scanning the packets (see column 23, lines 18-26); and
- means for conditionally taking security measures if the packets fail the scan (see column 23, lines 18-26).

As per claims 15-26, see rejection for claims 2-13 above.

As per claim 29, Nessel et al. disclose a network adapter system, as claimed, comprising:

- a processor positioned on a network adapter coupled between a computer and a network, the processor including a packet assembly module, random access memory, and a scanner module (see column 23, lines 18-26, where processor components claimed are inherent within the processor disclosed by Nessel et al.).
- a user interface driver for identifying network traffic of interest transmitted between the computer and the network (see column 23, lines 18-26);
- wherein the processor is adapted for discerning and scanning network traffic of interest transmitted between the computer and the network (see column 23, lines 18-26).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ji; Shuang et al.

US 5623600 A

Art Unit: 2153

Neuman, Michael et al.

US 20020162026 A1

Rigstad, Peter M. et al.

US 20030167410 A1

McKelvey; Mark Ambrose

US 5896499 A

3Com. *3Com Embedded Firewall Architecture for E-Business*. Technical Brief 100969-001. 3Com Corporation, April 2001.

3Com. *Embedded Firewall for the 3Cr990 NICs Family*. Software Solutions 600478-001. 3Com Corporation, August 2001.

Edwards, Mark. "Embedded Firewalls: The Next Wave?." *WindowsIT Pro* 18 Apr. 2001. 31 Jan. 2005 <<http://www.windowsitpro.com/Articles/Print.cfm?ArticleID=20703>>.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip J Chea
Examiner
Art Unit 2153

PJC 1/31/05


GLENN S. BURGESS
SUPERVISORY PATENT EXAMINER
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